

ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE
Minutes

A regular meeting of the Environment, Planning and Agriculture Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Wednesday, **December 15, 2004.**

MEMBERS PRESENT:

Leg. Daniel P. Losquadro, Chairman
Leg. Jay H. Schneiderman, Vice•Chairman
Leg. Michael Caracciolo
Leg. David Bishop
Leg. Peter O'Leary

ALSO IN ATTENDANCE:

Legislator Allan Binder, Sixteenth District
Mea Knapp, Counsel to the Legislature
Alexandra Sullivan, Chief Deputy Clerk
Ben Zwirn, Assistant Deputy County Executive
Thomas Isles, Director of Department of Planning
Patricia Zielinski, Department of Real Estate
Lauretta Fischer, Department of Planning
Kevin LaValle, Aide to Leg. Losquadro
Kim Kennedy, Aide to Leg. Caracciolo
Jacqueline Caputi, County Attorney's Office
Frank Tassone, Aide to Majority Leader
Eric Brown, Aide to Leg. Schneiderman
Paul Perillie, Aide to Leg. Foley
Irene Midgett, Aide to Leg. Binder
Laura Ahearn
David McKay
Paul H. Johnson

Calanda Jonas

Rev. Lionel Smith

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING CONVENED AT 2:10 PM)

CHAIRMAN LOSQUADRO:

I apologize for the delay. The previous committee ran very long. We were giving some of the Legislators a brief reprieve between the two meetings; but we waited long enough. We'll call the meeting of the Environment, Planning and Agriculture Committee to order. We'll begin with the Pledge of allegiance led by Legislator Schneiderman.

(SALUTATION)

CHAIRMAN LOSQUADRO:

Thank you. We'll go straight to the public portion here. We have several cards. The first card is Calanda Jonas, I believe. Sir, where ever •• you want to come up to the podium or have a seat at the table, whatever your preference.

MR. JONAS:

All right. Here's good. Thank you.

CHAIRMAN LOSQUADRO:

Just make sure the microphone is turned on.

MR. JONAS:

Thank you. Good evening. "To the attention of the Legislative body. I regret that I am unable

to be in the attendance today to discuss this most unfortunate situation.

The Supervisor and County Legislator of a town must be mindful of the repercussions and effects of their decisions upon all of its citizens. Good intentions of Legislator Cooper and Supervisor Frank Patrone do not give license to make decisions that would further impact a neighborhood. It is correct that One Tower Street was occupied by drug users; however, the occupants are no longer there. And together we should do everything possible to ensure that a family or families are given an opportunity to live in this house. There are thousands of people currently on a waiting list for affordable houses. Community resource center should be placed in a commercial area.

We want you to stop for just a moment and imagine you and your family living on Tower Street next to a Social Service Office. As you can see from the attached petitions, residents in the immediate and surrounding area were not part of, and did not agree with the plan.

Residents and clergy of the Huntington Station community are asking the Legislative body to vote No for this bill. Respectfully, Dolores Thompson." President of the NAACP.

CHAIRMAN LOSQUADRO:

Thank you, sir. Next card, the Reverend Lionel Smith. Could you please come forward, ma'am?

MS. MIDGET:

I'm sorry. I'm Irene Midgett. I'm legislative aide to Legislator Binder. Reverend Lionel Smith had to leave due to the time.

CHAIRMAN LOSQUADRO:

Okay. Did he leave a statement that he wished to be put into the record?

MS. MIDGETT:

Unfortunately he didn't have anything written. I'm sorry.

CHAIRMAN LOSQUADRO:

Okay. That's no problem. Thank you. Next card David McKay.

MR. McKAY:

Good afternoon. My name is David McKay. I live in Huntington. What's happening on One Tower Street is a cardinal sin. The police have cleaned it up to the degree of where the residents that live in the neighborhood are free to go and afro. But the Town Supervisor Frank Patrone and the Legislator Mr. Cooper seem to think that they should put a social service building there or a youth center right in the middle of a residential neighborhood; right across the street from the school. I agree with them that the town needs these services. But not in a residential neighborhood. They don't want it in their neighborhood. They don't want to look out their windows and have cars parked all along their lawn and in front of them for this purpose. And neither do we.

And another thing, is the Big H Shopping Center. They have vacancies on New York Avenue. They have vacancies. They have other buildings that can be used for these services. They have buildings over at Manor Field, efficient parking and everything.

Now, the owner of the house, who's Don Pious, who owns the whole neighborhood, is not a bad person. And Don will sit down and just about discuss that property with anyone. But I think it was a pretty sneaky deal with •• Town Supervisor and apparently Mr. Cooper got together and decided what they wanted in our neighborhood. We don't pay second class tax. We pay high tax and first class tax. We should be heard and a decision should be upon what the people in the community wants. Thank you.

CHAIRMAN LOSQUADRO:

Thank you. Thank you. Legislator Bishop, just very quickly, I just don't want this to turn into any sort of debate with the speaker.

LEG. SCHNEIDERMAN:

It's public portion.

CHAIRMAN LOSQUADRO:

This is ••

LEG. BISHOP:

What? Wait, wait, wait. Hold on. I have a question.

CHAIRMAN LOSQUADRO:

Yeah, please.

LEG. BISHOP:

I'm going to ask my question. Thank you. I only know about this issue from what I've heard here before at the prior committee meetings. And there was discussion from Legislator Cooper about a youth center. Where does this notion of a Social Service center come from? Because I haven't heard that discussed at all.

MR. McKAY:

That's what was said.

LEG. BISHOP:

By whom?

MR. McKAY:

By •• Mr. Cooper had brought it to the attention •• and also ••

LEG. BISHOP:

He suggested Social Services?

LEG. BINDER:

Mr. Chairman.

CHAIRMAN LOSQUADRO:

Legislator Binder.

LEG. BINDER:

In the original press conference Newsday article there was reference to Social Services.

LEG. BISHOP:

Okay. That's what I •• I hadn't heard it at this horseshoe. I was surprised to hear it. Is it still

his position?

LEG. BINDER:

No, no, it might not be. But it was in there.

LEG. BISHOP:

Okay.

MR. McKAY:

It's a residential neighborhood. It should be •• we have a housing shortage.

LEG. BISHOP:

Right. No, I understand that perspective. And I also understand the perspective that you should have a youth center across the street from a school. That would seem to me ••

MR. McKAY:

Not in our residential neighborhood.

LEG. BISHOP:

Well, I understand that that's your position. I do not agree, though, that there should be a Social Service center there. That would seem to make no sense. And I don't think that's what Legislator Cooper •• certainly never mentioned that here.

MR. McKAY:

Well, he shouldn't agree to them ••

LEG. BISHOP:

I'm surprised to hear that it was discussed at all because ••

MR. McKAY:

He shouldn't agree to wanting a recreation center in the middle of our neighborhood. You don't want one in your neighborhood.

LEG. BISHOP:

You should come •• you should see what I got in my neighborhood.

MR. McKAY:

Where do you live?

LEG. BISHOP:

I live in West Babylon. I got a community pool about a hundred yards from my house. And I have •• you're going to be amazed, but I have the Reverend Jimmy Jack •• do you know who that is?

MR. McKAY:

No.

LEG. BISHOP:

The Reverend Jimmy Jack gets assignments from the court for people who are substance abusers and have failed out of every licensed treatment program. He has an unlicensed treatment program. And he owns three homes on my street, in which more than 100 people reside. So, I don't think I have to take any NIMBY•ism.

MR. McKAY:

Let me ask you a question. Was that there when you moved there?

LEG. BISHOP:

No. It came afterwards.

MR. McKAY:

They built a pool after you lived there?

LEG. BISHOP:

No, the pool was there. But Reverend Jack wasn't.

MR. McKAY:

Yeah, well you knew the pool was there and everything. They didn't come to put that into your

neighborhood. They coming to put this into our neighborhood.

LEG. BISHOP:

You asked me what was in my neighborhood. I gave you a description.

MR. McKAY:

Yeah, but, I mean, you know. That was your choice.

CHAIRMAN LOSQUADRO:

Thank you very much, Mr. McKay. I appreciate it. Next speaker Paul Johnson.

MR. JOHNSON:

That was Mr. Patrone's aide. Don McKay said that.

LEG. BISHOP:

Oh, okay. Thank you. I appreciate it.

MR. JOHNSON:

Good afternoon. The more things •• my name is Paul Johnson. I'm a democratic committee person. I live in the Town of Huntington. I have five generations born there.

CHAIRMAN LOSQUADRO:

Sir, if you could just pull the microphone down a bit; speak into the microphone. Thank you.

MR. JOHNSON:

My name is Paul Johnson. I live in the Town of Huntington. I have five generations there. I come as Political Action Chairperson for the NAACP. And also Chairperson for the councilmatic seats in the Town of Huntington. The more things change, the more they stay the same. And the minorities in Huntington have been beaten and beaten and it's time that we stood up. And if you don't stand up for something, you'll fall for anything. We're in the condition we are in Huntington Station because we trusted the politicians. We had a bank. We had a Five and Ten. We had three bakeries. We had a tax base. The politicians gave us a parking lot. We're

very concerned.

So, now we have problems in the area; the lack of housing. And yet and still the representatives that we trust whether they be republican or democrat, we find taxation without representation. And if you're going to do anything, why don't we sit down and talk about it? We're trying to make a better Huntington; but yet and still people are doing things that just don't seem to be right. This a holiday season. We're supposed to have peace on earth, good will to all men. And we find that they code messages of meetings so we don't •• the average layman doesn't understand. When we did come to the knowledge of what was going on, the clerk and your Chairperson, we had two days and we got three hundred petitions signed and a few letters.

If you're going to do something in our community, all we do is ask and let's talk it over. The day after Christmas I'll be married 51 years. And believe me, if it wasn't for talking things over, we wouldn't be together. We have to stay focus on what we're doing. And when one tries to do something and the other, we run into problems. We the people of the Station •• I'm not coming as a democrat. I'm not coming as a republican. I'm coming as a community person. And I'm asking you to table this resolution and let's think it over and let's do the best for the community. I thank you.

CHAIRMAN LOSQUADRO:

Thank you, Mr. Johnson. That's all the cards that I have. Is there anyone else wishing to be heard before this Committee? If not, we will move to the agenda.

If I could ask the Commissioner, the representatives from Real Estate to come up please. Good afternoon.

MR. ISLES:

Good afternoon.

CHAIRMAN LOSQUADRO:

A little bit later in the afternoon than we usually are. We may just wait one more moment, just see if we can get our last member here, but we'll get started. **Under Tabled resolutions, 1658, (authorizing planning steps for acquisition under the New Suffolk County Drinking Water Protection Program), planning steps for the Southampton parcels,**

Legislator Schneiderman, 1168 acres. His own personal private master list.

LEG. SCHNEIDERMAN:

I've kept this tabled in the past waiting from the Planning Director to comment who was going to thin it out, which he has done. So, I thank you, Laretta as well, Commissioner Isles. I have a list here of the new exhibit A. I don't know. I haven't looked at the wording of the bill whether it can be •• if I can just simply pull out the old exhibit A, and put the new exhibit A in or whether I need to really amend the bill. Since there's not •• you can certainly comment on it but we can wait another cycle perhaps if Counsel's not prepared to answer that question. But, Tom ••

MR. ISLES:

We appreciate your patience on this and for the time to review the list. This has been reviewed by Southampton. We then reviewed and added a few parcels to complete acquisitions. So, we think this is a good list and we appreciate your time on that.

MS. KNAPP:

It probably does need an amendment because if you remember in the original resolution, I make reference to a number •• the number of acres. Has that substantially ••

MR. ISLES:

Yes, it has.

CHAIRMAN LOSQUADRO:

Yes.

LEG. SCHNEIDERMAN:

Substantially. It's now 141 acres. And it was a thousand

CHAIRMAN LOSQUADRO:

Right.

LEG. SCHNEIDERMAN:

•• less acres. Can I ask why it went down by so much?

MR. ISLES:

Well, it's basically a matter of prioritization. It's not necessarily saying that those shouldn't be considered at some time. This becomes •• the ones that Southampton considered to be most important from a priority standpoint. And then secondly, it also becomes most important because they're adjacent to other county holdings. So it squares off or accentuates holdings in Long Pond, Greenbelt, Sagaponac Woods and so forth. So I think what we'd like to suggest is we get this going, get it almost done and then move onto the next batch and so forth.

LEG. SCHNEIDERMAN:

Okay. And you talked this over with Southampton?

MR. ISLES:

Absolutely. Several times, yes.

LEG. SCHNEIDERMAN:

They're on board with it?

MR. ISLES:

Yes.

LEG. SCHNEIDERMAN:

I guess I'll move to table it so we can fix the resolution and have it hopefully for the next ••

CHAIRMAN LOSQUADRO:

I'd rather have it amended or a refiled copy depending on what's necessary based on the six •month rule. So either we will do •• you'll do an amendment or re•file it with the new language. So, we have a motion to table by Legislator Schneiderman, seconded it by myself. All those in favor? Opposed? **1658 is tabled. (Vote: 5•0)**

1729, (authorizing)planning steps for implementing Greenways Program for the Smoke Run Farm. I know we've had a number of discussions on this. Has there been any word back from the town yet regarding this or not yet?

MR. ISLES:

Well, we did have word back from the Town in November. At that point they indicated that they were doing an assessment of the buildings and the properties in terms of what it would cost to

fix them up and so forth and operate a horse farm. That's the last word that I have. I have done correspondence with them.

CHAIRMAN LOSQUADRO:

They have not yet completed their assessment?

MR. ISLES:

Right.

CHAIRMAN LOSQUADRO:

Very good. Motion to table Legislator Schneiderman, second by Legislator O'Leary. All those in favor? Opposed? **1729 is tabled. (Vote: 5•0)**

1793, to appoint member of County Planning Commission Vincent Taldone.

LEG. BISHOP:

Is he here?

CHAIRMAN LOSQUADRO:

No, he is not. I know we had a number of questions on this; some being brought up last time with the donation of land. I know some people had expressed some concerns about that. I will make a motion to table that.

LEG. CARACCILO:

Second.

CHAIRMAN LOSQUADRO:

Seconded by Legislator Caracciolo. All those in favor? Opposed? **1793 is tabled. (Vote: 5•0)**

1954, reorganizing and strengthening Nassau•Suffolk Regional Planning Board (and renaming the Board "The Long Island Regional Planning Council.") I have a meeting scheduled with the County Executive's Office and then another one with representatives from

Nassau County. So, I •• to discuss this very matter. So, I will myself make a motion to table this again, seconded by Legislator O'Leary. All those in favor? Opposed? **1954 is tabled.**
(Vote: 5•0)

2039, creating a Transfer of Development Rights Oversight Committee to promote Workforce Housing (and a Sustainable Environment.) Legislator Caracciolo.

LEG. CARACCILOLO:

Mr. Chairman, I'd like to make a motion and make a comment or two on this resolution before we vote on it. Thank you.

CHAIRMAN LOSQUADRO:

Motion to approve by Legislator Caracciolo, second by Legislator Schneiderman. On the motion.

LEG. CARACCILOLO:

Yes. This resolution arises from the fact that the Legislature unanimously approved, County Executive supported, the new \$75 million County Environmental Preservation Act of 2004. In that legislation at the eleventh hour there was a component added for Transferred Development Rights. Accordingly, this resolution gives birth because I believe it's imperative that the Legislature maintains some type of oversight with regard to the transfer of waste water credits in that program. I think that's •• that speaks to the essence of the TDR initiative that's included in the resolution.

So, I would like to just for the benefit of the Committee quickly run through what this resolution intends to accomplish. First, as I cited, the bond act included this component and therefore it's imperative, I think, to have an oversight committee that reports directly to both the Executive and the Legislature in how those waste water credits should be used.

The Legislature has a responsibility, I believe, to ensure that there's adequate affordable housing for future generations. That's one of the whereas clauses in the resolution. And the oversight committee itself would be comprised of a representative, the County Executive or his representative, the Presiding Officer or his representative, and appropriately four department heads. They would be, I believe, Mr. Isles, the Commissioner of Health Services, the County's

Director of Affordable Housing Program and the Commissioner of Public Works; all individuals who would be intricately involved in this initiative.

Additionally, there would be •• this is a recommendation by way that came from the Smart Growth Committee report back in •• let me think •• November of 2003. And I draw your attention to a handout on page 26 of that report that I have highlighted or asterisked. And it says the Suffolk County Smart Growth Development Rights Oversight Committee •• and that's what this TDR Committee is •• so don't confuse the terminology •• should be a committee of mostly county officials included but not limited to the representatives I just enumerated and county department heads. Representative from the Legislature would be the Presiding Officer's representative. I've also added a County Executive representative. And then this recommendation went onto cite that there should be representatives from an environmental organization, which is contained in this resolution, a representative from a building trade •• not trade, a building organization •• would balance out the committee.

So, I just want to underscore that this is not my idea. This is something that came out of a substantial effort by the Smart Growth Committee. I'd be happy to discuss further elements of the resolution should there be any questions.

LEG. O'LEARY:

I have a question.

LEG. CARACCILO:

And I would appreciate committee's support.

CHAIRMAN LOSQUADRO:

Legislator O'Leary.

LEG. O'LEARY:

Yeah, the question I have, Legislator Caracciolo, is the •• is the makeup with respect to the oversight that the County Legislature would have with their approval? In the makeup here, I see that there would be ten members of the committee. And the Legislature would only have approval of two positions with •• or three with the Presiding Officer's designee. So, in effect only three •• only three of the positions listed would have •• would be filled with the approval of the County Legislature. Would you consider expanding that to five to item •• position seven

and eight representatives from the Supervisor Association and from the Village Official's Association? So, in effect, the Legislature then would have approval of five of the ten members of the committee.

LEG. CARACCILO:

I will •• I'm sorry.

LEG. SCHNEIDERMAN:

I was just thinking that maybe the Chairman of this committee, the EPA Committee, ought to have a designee on this committee.

LEG. CARACCILO:

That's something I'd be happy to take under advisement ••

LEG. SCHNEIDERMAN:

And maybe the Affordable Housing Committee as well.

LEG. CARACCILO:

•• and discuss •• and discuss with the other members of the committee. And if there's a strong sense that that's really necessary, I'd be happy to consider that. And then I'll make a motion today to table the resolution.

CHAIRMAN LOSQUADRO:

I appreciate that.

LEG. O'LEARY:

I'll second that tabling motion.

CHAIRMAN LOSQUADRO:

Tabling takes precedence. And I would just like to say

I think this is an excellent initiative. I know many of the criticisms of TDR programs in the past have been that one community versus another is unduly burdened. And one community versus another is unfairly rewarded. So, I think that this degree of oversight is certainly necessary and I think it's an excellent initiative. And with possibly some of the changes that were just

mentioned or some other small ones that we can discuss, I think it'll •• it will be a great bill that I'll certainly be willing to co•sponsor as well so •• and I know that the County Attorney wanted to speak on this. And I see the Commissioner also wants to say something. So, please, Mr. Isles.

MR. ISLES:

Tabling the bill, I won't go into detail. But •• and Legislator Caracciolo recognizes this in his resolution, that the approval of resolution 840•2004, which was the SOS Program, directed the Planning Department to come up with a suggested program. We are working on that, just so you're aware of that. We will be submitting that to you probably at the beginning of the year through the County Executive. And so it may make sense to consider the whole ball of wax at that point. But you are aware of that. And I just wanted to confirm that. That's all.

CHAIRMAN LOSQUADRO:

Very good. Is that microphone on?

MS. CAPUTI:

Is that better?

CHAIRMAN LOSQUADRO:

Yes.

MS. CAPUTI:

Since the sponsor is going to be looking at the bill again, if you could just take our comments into consideration; that the Charter, the recently enacted article 36 doesn't provide for any oversight committee. It vests all the authority for the management, administration and day to day supervision of the TDR Program in the Planning Department. So, the Law Department feels that the Charter would have to be amended if the Legislature deems this a wise thing to do to allow for this other entity to have a role in the TDR process.

CHAIRMAN LOSQUADRO:

Okay. And I think that Legislator Caracciolo's intention to restore public confidence is such a worth while program. If it warrants that sort of action, I'm sure he'll be willing to look into that but •• Legislator Caracciolo.

LEG. CARACCILO:

Yes. I'd like legislative Counsel to comment because we did receive e-mails to that effect. We did speak with legislative Counsel, so I'd like legislative Counsel to put on the record her opinion with respect to this issue.

MS. KNAPP:

Very often lawyers do disagree. And I think this is one where we are going to disagree because I don't see that the two can't co-exist under the •• under resolution 840 in that it does say that the program for TDR will be established by the Planning Department and a duly enacted resolution of the Legislature. However, that doesn't preclude the Legislature from using the services of an advisory body that would simply provide them guidance independently of the Planning Department in each and every instance where they're considering it. The oversight committee is not going to develop the program with planning. It's simply going to be there to advise the Legislature on the •• on whether or not each individual application needs some criteria that I •• that they will put together. I think they can co-exist but ••

LEG. BISHOP:

Mr. Chairman.

CHAIRMAN LOSQUADRO:

Very good. Legislator Bishop.

LEG. BISHOP:

Yeah, on the motion, I'm not aware of any problem with the TDR program that we have to restore confidence in it; that it's fledgling. So, I don't understand that statement from the Chair. But I'm concerned in general about committees like this that are vested with power because it can slow down the process as opposed to those that are merely advisory. And •• is that •• is this merely an advisory committee?

LEG. CARACCILO:

(Nodding head)

LEG. BISHOP:

So, you're going to have ten, eleven, twelve people gather a couple of times a year and discuss TDR's? Is that the general thrust of this legislation?

CHAIRMAN LOSQUADRO:

Sponsor?

MS. CAPUTI:

But they're given authority to rank and prioritize ••

LEG. CARACCILOLO:

That's correct.

MS. CAPUTI:

That seems to be pretty weighty influential decision•making that we feel that the law vests in the Planning Department. The law that was passed in November.

LEG. BISHOP:

Prioritization is •• I mean it's their prioritization. It doesn't have force of law; is that correct, Counsel? Is that correct, Counsel? I just want to understand.

MS. KNAPP:

Neither. The Planning Department's ranking nor the oversight committee's ranking would have a force of law. Only the legislative action, obviously.

LEG. BISHOP:

Exactly. And that's always been my problem with •• I mean I'm one of the few who actually say it, but I find the Parks Trustees to be a step that we could have done without in this •• in these land purchase processes. Although I respect their work and I've gone to them and asked them to consider purchases in my district. And I received good results, but the point is that it becomes cumbersome and •• and one of the primary criticisms that I do hear and consistently over the years is that the County's acquisition processes are cumbersome. And I just hope that this doesn't add to that litany.

CHAIRMAN LOSQUADRO:

Thank you. And before Legislator Caracciolo speaks, I was speaking more to the concept of

TDR's as a whole, Legislator Bishop. And if you were to listen to communities, especially speak to Legislator Foley, parts of my district and his down in the Coram area, have been very critical about receiving what they feel is an undue burden from these type of programs. So, there are communities who feel they have been burdened because of these actions. And I think some additional oversight would be a good thing. So, Legislator Caracciolo.

LEG. CARACCILO:

Well, I think Legislator Bishop in his final remarks acknowledge that while there is a parallel to Parks Committee Trustees •• I mean Parks Trustees Committee, that this is in essence similar to that. And it's really, as Counsel outlined, here to guide how these credits would be used. And I think it's •• since this was a legislative initiative, the TDR component, I believe very much that the Legislature needs to have this type of advisory oversight to ensure that its intent is fully carried out. So, I welcome the suggestion to include other representatives from committee •• legislative committees. And we'll make those changes in an amendment version to be submitted in our organizational meeting packet.

CHAIRMAN LOSQUADRO:

Legislator O'Leary.

LEG. O'LEARY:

And through the chair ••

CHAIRMAN LOSQUADRO:

Yes.

LEG. O'LEARY:

And might the positions I made mention of to require Legislative approval.

LEG. CARACCILO:

Yes.

CHAIRMAN LOSQUADRO:

Very good. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Yeah, actually it's a question for the Planning Director, Mr. Isles. As you developed this TDR plan, I'm curious •• it's really •• this shouldn't be looked at as a zoning tool. This is a Health Department regulation, you know, and the Town sets the zoning and determine how many units per acre. But you do have a potential for areas under this program to become receiving areas and other areas not become receiving areas. And I'm wondering as you develop these guidelines if you're going to put limits as to •• to what extent standard Article Six requirements could be exceeded; like a 50% or a 100%, to what degree to prevent kind of a development rights from a lot of areas if a town has very unrestricted type of zoning. I'm not sure there's any place left like that; that it could end up receiving a ton of TDR's. And I don't think that's right either.

MR. ISLES:

Right. There are a couple of controls to that. One is that the Health Department regulations for TDR typically allow maximum double density only. So, if you can get two units per acre, you could go up to four units per acre, for example.

The second control is that every release of the TDR onto a sight has to be approved by the Legislature. And then thirdly, as you're saying it is all subject to local zoning. So, even if you •
• if the Legislature were to approve credits, it would still be subject to that checks and balances there.

LEG. SCHNEIDERMAN:

The Article Six standards actually have a TDR ability in it and it ends that what •• 50% or a 100%?

MR. ISLES:

Well, you can double your density.

LEG. SCHNEIDERMAN:

Double the density.

MR. ISLES:

But that's the max. And that's subject to public water. And I won't speak for Health Department, but there are criteria for that. So, there is a cap. So, it's not going to be •• we're

going to put 20 units per acre in Yaphank.

LEG. SCHNEIDERMAN:

Right. The most is you'd get would be like ••

MR. ISLES:

Would be four.

LEG. SCHNEIDERMAN:

In certain zones.

MR. ISLES:

Four.

LEG. SCHNEIDERMAN:

Four units?

MR. ISLES:

Yes, if we're talking about single family home. Because basically the County's divided into one acre houses or density for Health Department purposes and two per acre. So, if you could double the density, you're going to go either to two or four; is what you're going to go to.

LEG. SCHNEIDERMAN:

Vito, is that correct? I thought some areas you could do four per acre.

MR. MINEI:

Tom is correct as always.

LEG. SCHNEIDERMAN:

No? Okay. Okay. Thank you.

MR. ISLES:

As always? Tell that to my wife.

CHAIRMAN LOSQUADRO:

Thank you, Mr. Isles. I know we had a motion. I do not recall •• do we have a second to that motion, Madam Clerk? We did. For the record, who was the second?

MS. SULLIVAN:

Legislator Caracciolo and Legislator Schneiderman.

CHAIRMAN LOSQUADRO:

Okay. Legislator Schneiderman was the second to table. All those in favor? Opposed?

MS. SULLIVAN:

Oh, to table? I'm sorry, this is to approve.

CHAIRMAN LOSQUADRO:

Yes. No, motion to table. Legislator Caracciolo changed his motion to a motion to table and I did not recall ••

MS. SULLIVAN:

There was no second.

CHAIRMAN LOSQUADRO:

So, I will second that motion to table, then. That motion takes precedence. All those in favor? Opposed? **2039 is tabled. (Vote: 5•0)**

2088, (authorizing) planning steps for acquisition (under Suffolk County Multifaceted Land Preservation Program). This is the Tower Street property that we have heard so much about. I am going to make a motion to table that. I have spoken to the sponsor.

LEG. O'LEARY:

Second.

CHAIRMAN LOSQUADRO:

He understands that that is what we're going to be doing today. Second by Legislator O'Leary. All those in favor? Opposed? **2088 is tabled. (Vote: 5•0)**

2102, (adopting local law to promote the Health of Suffolk County residents by limiting non-essential use of toxic chemical pesticides in Suffolk County), the pesticide bill by Legislator Schneiderman. This public hearing was recessed. So, it needs to continue. So, motion to table by Legislator Schneiderman, second by Legislator Caracciolo. All those in favor? Opposed? **2102 is tabled. (Vote: 5•0)**

Onto Introductory Resolutions. **(2213) Implementing Greenways Program with acquisition of Active Parklands at 2295 Great Neck Road, Copiague.** Motion to approve by Legislator Caracciolo, second by Legislator Bishop. All those in favor? Opposed? **2213 is approved. (Vote: 5•0)**

2217, (making a) SEQRA determination in connection with the proposed acquisition of land for Open Space (Preservation) Purposes (known as) the Falco Property, Town of Islip. Motion by Legislator O'Leary, second by Legislator Bishop. All those in favor? Opposed? **2217 is approved. (Vote: 5•0)**

2218, (making a) SEQRA determination (in connection with the proposed) donation of 2.848 acres (of land for Open Space Preservation Purposes in) the Orowoc Creek Wetland Preserve area, (Town of Islip). Same motion, same second, same vote. **(Approved. Vote: 5•0)**

2221, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program for the Hogan property on North Creek Road in Eaton's Neck, Town of Huntington. Motion to approve by Legislator O'Leary, seconded by myself. On the motion Legislator Caracciolo. And I believe we have the information coming around now. So, that's what we're going to wait for.

LEG. CARACCILO:

I do not have a copy of the resolution in my binder; so, I wanted to get some information. And here it is. Mr. Isles, was this included by the Town of Huntington to be considered in the County's master list?

MR. ISLES:

I am not sure of that. It was not on the master list. And the reason it wasn't on the master list ..

LEG. CARACCIOLO:

Hold on, Mr. Isles. I can't hear you.

MR. ISLES:

Okay. I'm not sure if it was part of Huntington's list, but it was not on the master list. And the reason for that is that, there was a planning steps resolution approved in 2002 I think for •• to authorize possible acquisition of this property under the Drinking Water Protection Program. Based upon that, the Real Estate Division did do an appraisal and did commence negotiations which were obviously not successful.

LEG. CARACCIOLO:

Were not successful.

MR. ISLES:

And the matter remained dormant. This particular resolution now seeks to fund it under the Multifaceted Program. So, it is a new approach. Beyond that, the Real Estate Division would have to update the appraisals since it's now two years old. We have provided a rating for you that is enclosed as well as a summary of the facts of the application.

LEG. CARACCIOLO:

So, in essence it's back because previous efforts to purchase it failed because the seller didn't feel the County's offer was substantial enough?

MR. ISLES:

Right.

LEG. CARACCIOLO:

Have we approached the Town of Huntington to join us in this acquisition? You know, I want to underscore something today that probably the Committee's going to hear me say a lot in the year ahead or the Legislature will. And that is the voters once again approved a bond act for \$75 million; only \$30 million of that money is for acquisition costs such as this. Am I correct about that?

MR. ISLES:

For Open Space, yes.

LEG. CARACCILO:

Yes. That money's not going to go very far. In fact, it will go very fast but it won't go very far.

MR. ISLES:

Right.

LEG. CARACCILO:

Given what's in the pipeline already. I mean that's money you almost need right now to pay for the •• to consummate some of the pending negotiated deals that are in the pipeline.

MR. ISLES:

That's true.

LEG. CARACCILO:

So, I think it's great for us, and I could give you a list of probably two dozen more acquisitions on the east end. But that was the whole purpose of developing a master list, I thought. And to have an acquisition that we previously considered, the County did, and to be turned down by the owner, we could find ourselves in a vicious cycle where people who have previously declined county offers come back a second, third, fourth time until the price is right in their view to buy property and negate our efforts to pursue in some kind of chronological or logical sequence the properties we've identified as important to a county environmental preservation program. Am I off base here?

MR. ISLES:

Well, we always look at these things very carefully in terms of is it the best money spent for the county dollars and so forth. In answer to your original question or point about the Town of Huntington, the Supervisor of the Town has sent a letter to Michael Dearing, the Director of Environmental Affairs restating once again their interest in this property in terms of preservation interest and their willingness to participate in a possible acquisition. And also suggesting, you know, perhaps other agencies, the state perhaps could be involved in this as well. So, I get the sense that, you know, it was ranked high enough originally. It still seems to retain a pretty high ranking; that there's a renewed effort at a multi•agency level to consider

this. Beyond that, in terms of what the ultimate participation of the County would be, certainly we don't know that at this point. But this is looked at as multi•agency.

LEG. CARACCILO:

Okay. I also note that within the past week, the County Executive announced or made a plea to state government to help underwrite and fund some of these important county land acquisitions. So, thank you very much for your response.

CHAIRMAN LOSQUADRO:

Thank you. Just a couple of questions. Legislator Schneiderman. I believe he may ask a question that I was just going to.

LEG. SCHNEIDERMAN:

You know, from the aerial, this looks like a phenomenal piece of property. But I have certain questions. One is, you know, it's great •• great waterfront. How do you access it? It looks like it's contiguous to a large block of property. Is that develop•able property, is that preserved property, is that public property? It's on the map as the Morgan estate.

MR. ISLES:

Yeah. The Morgan estate is private property. It is a parcel of somewhere around three hundred acres. It is huge. It is •• it is currently developed very limited. There are a couple of houses on the Morgan estate property. The Village of Asharoken just completed a comprehensive plan for their community. I got a copy of it yesterday. We were involved in that with the Village. That recommends partial development of the Morgan estate but also partial conservation including a large part of the open tracks and so forth. So, there's no question it's good comment and good point that if we were to consider this •• if you were to consider this as the Legislature that we would want to connect to other open space. The access to •• this is off the Asharoken peninsula, so to speak. So, it's on the northern end of the Town of Huntington. There is one road that provides access to the Village of Asharoken. This piece is actually in the Town of Huntington. It's not in the Village itself; but you have to drive through the village to get there. This would provide limited access to Long Island Sound or the estuary itself. There could be a small parking area created. There could be limited public type use, but certainly it could provide access.

LEG. SCHNEIDERMAN:

How do you •• how would you get to it? I can't see. Is North Creek Road open?

MR. ISLES:

Yeah, that's exactly •• and that road actually continues, just a heavily wooded area. It goes to the north of the map.

LEG. SCHNEIDERMAN:

Is that a public road?

MR. ISLES:

Yes.

LEG. SCHNEIDERMAN:

So, you would access it through North Creek Road?

MR. ISLES:

Yes.

LEG. SCHNEIDERMAN:

And you're proposing purchasing it through Multifaceted. So, you're looking at some kind of active parkland here?

MR. ISLES:

The sponsor is putting it through Multifaceted. And I believe his intent is through a preservation partnership arrangement under Multifaceted.

LEG. SCHNEIDERMAN:

As an active park?

MR. ISLES:

No, no. Just as a land preservation partnership, meaning that there would be •• it would still be open space, but that there would be other partners coming in, the town and the state presumably.

LEG. SCHNEIDERMAN:

Why not Quarter Penny on this?

MR. ISLES:

I can't answer that question. It could be Quarter Penny. And here, again, this is a prior resolution ••

LEG. SCHNEIDERMAN:

It's got waterfront.

MR. ISLES:

Yeah, I mean you could make a point that there's more flexibility. Quarter Percent Sales Tax has to be used for real ••

LEG. SCHNEIDERMAN:

That's why I was asking the question about use.

MR. ISLES:

Here, again, I'm not going to speak for the sponsor, Mr. Cooper. I didn't submit the bill, but Laretta makes a good point. The Multifaceted is a little more flexible; so, in terms of •• if its the intent to have a little bit more active type of park use than Quarter Percent •• Quarter Percent you could basically do hiking trails, a small gravel parking area and not much more than that. If the intention, then, is to a) partner with other agencies as Land Preservation Partnership anticipates that specific program now under Multifaceted, that would make sense. And if it's the intention to have make a little bit more activity on this site, then, Multifaceted would make sense for that, too.

LEG. SCHNEIDERMAN:

Is there other access to the beach, the shore; public access in this area?

MR. ISLES:

Are there other public access points? Not really.

LEG. SCHNEIDERMAN:

So, there's a need this area?

MR. ISLES:

Yeah, I would think so.

LEG. SCHNEIDERMAN:

Okay. And what •• two other questions. One is, it looks like there's structures on the property; am I right?

MR. ISLES:

Yes. It's a former campsite, actually.

LEG. SCHNEIDERMAN:

Okay. And is that one of the thoughts that this might be a camping location?

MR. ISLES:

Not that I have heard, but •• it does have some development on it, yes.

LEG. SCHNEIDERMAN:

Then there appears to be a property •• and maybe it's part of that Morgan estate •• directly to the north of this piece. Is that part of that estate or can that be included in an acquisition? It looks like an undeveloped property, though.

MR. ISLES:

I don't believe that's part of the Morgan estate. I think there is a house on the left•hand side closer to the water with the brown roof.

LEG. SCHNEIDERMAN:

Okay. I see where •• at least I think ••

MR. ISLES:

I can look it up more closely, but I think it is developed.

LEG. SCHNEIDERMAN:

Okay. Thank you.

CHAIRMAN LOSQUADRO:

Okay. I'm encouraged to hear that at least one other government agency is interested in partnering with this and hopefully more. So, I think it bears looking at it; certainly an area that would be under obvious development pressure, highly sought-after real estate. So, we have a motion and a second. All those in favor? Opposed? **2221 is approved. (Vote: 5•0)**

2224, (authorizing the acquisition of farmland developments rights under the New Drinking Water Protection Program • Farmland Development Rights Component), I believe we have duplicate resolutions here. So, I'm going to make a motion to table •• Legislator Caracciolo motion to table. I'll second that motion. All those in favor? Opposed? **(Tabled. Vote: 5•0)**

MR. ZWIRN:

Mr. Chair, may I?

CHAIRMAN LOSQUADRO:

Mr. Zwirn, yes.

MR. ZWIRN:

This •• there are a couple of items on the agenda today that were submitted by the County Executive and subsequently resubmitted without the County Executive's name on them. And, you know, if this is going to be a pattern •• you know, it's always been the tradition, as I understand it, that the County Executive's staff, the office of Director of Planning, Real Estate do the negotiations, send out the appraisers and do the acquisitions. And it's always been the County Executive's name who's appeared as the sponsor •• as a lead sponsor. County Executive has no problem in, you know, welcoming sponsors to the bills, especially the Legislators in whose districts this land is. And I just •• and I think he is wondering if this is going to become a pattern. Because what's happened is that the entire bill has been duplicated. The only thing it's changed is the name of the sponsor. And I just don't know if that's going to become the patten. Is that going to be the case, we're going to have duplicate bills filed entirely at every instance?

LEG. BISHOP:

Which bill?

MR. ZWIRN:

This is •• 2224 is also 2282.

LEG. BISHOP:

Is that on purpose?

MR. ZWIRN:

And then we also have 2275, which is already on the floor of the Legislature. We also have 2276, which is on before the Committee that has been adopted by the general Legislature at the 12•7 meeting.

LEG. CARACCILO:

That's correct.

MR. ZWIRN:

So, I mean it's •• I don't want to seem petty, but it seems to be something that has been treated differently in the past.

CHAIRMAN LOSQUADRO:

Well, in the interest of not being petty, perhaps there could be better outreach and better discussion between those who have sponsored planning steps resolutions when those acquisitions are going to take place; and perhaps we could avoid these sort of unfortunate circumstances in the future.

MR. ZWIRN:

That's fine. And I'm glad to hear that; because that we can do.

LEG. SCHNEIDERMAN:

Certainly if the County Executive •• Planning Department, County Executive is eyeing land within our districts, it would be nice to have some kind of conference and maybe bring these

forth together.

MR. ZWIRN:

I don't think there was anything done, you know, maliciously on the part of the County Executive.

CHAIRMAN LOSQUADRO:

No. Even •• even more specifically, if a particular Legislator has filed planning steps resolutions and the County is going forward with the acquisition of that parcel and it has been their action which has led to that acquisition, I think some additional dialogue between the two and a sharing in that acquisition, I think, would be a prudent move.

MR. ZWIRN:

Absolutely.

CHAIRMAN LOSQUADRO:

I think we can avoid these sort of actions in the future with some better dialogue and some better discussion between the two branches.

MR. ZWIRN:

That's well taken and fair comment.

LEG. SCHNEIDERMAN:

We'd like to get invited to the press conference.

MR. ZWIRN:

Well that •• I have to say I think generally that's been the case. Legislator O'Leary •• I mean we've done acquisitions up in your area. I think everybody has always been invited and able to participate and get ••

LEG. O'LEARY:

I shun photo ops.

CHAIRMAN LOSQUADRO:

Thank you. We had a motion and a second. I believe we took the vote? Yes, we did take the

vote.

2225, authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program for the Poxabogue Pond County Park addition in Sagaponack. Do we have ••

LEG. SCHNEIDERMAN:

It's going to be distributed. This is another classic example of •• I mean this is in my district. It would have been nice to have some kind of outreach from the County Executive's Office to discuss this.

CHAIRMAN LOSQUADRO:

I believe Legislator Schneiderman would like a little time to look at this proposal.

LEG. SCHNEIDERMAN:

Let's hear what Planning has to say today. And I may want some time to look at it.

MR. ISLES:

This is a parcel that is located adjacent to other county parcels in Little Poxabogue Pond. And what we have prepared for you is an aerial photograph on the top of the package. The County owns the parcels that are outlined in yellow and are shown with that kind of dotted pattern. The parcel •• the subject parcel is the green parcel that represents really the last developable lot on Little Poxabogue Pond. And as you can see, it's right next to Poxabogue Pond itself. On a larger context, this is •• well, there are a whole series of wetlands that continue north and south in this location. And it would be consistent with that.

What we have done is done our rating forms, which are attached. Laretta Fischer has completed those and done the research on that; and does come out with a rating of 28. It's a relatively small piece. It's little over an acre, I think it is. Oh, pardon me. 3.7 acres so it doesn't get a high scoring, but considering the fact that it's adjacent to what we already own, we've already invested in, is reason for recommending this one.

CHAIRMAN LOSQUADRO:

Legislator Caracciolo.

LEG. CARACCILO:

Yes. Tom, looking at the aerial, it looks like between existing county holdings and the greened area that's outlined for acquisition, there appears to be a driveway and a home; is that correct?

MR. ISLES:

Correct, yes.

LEG. CARACCILO:

Okay. Is this property owned by that adjacent property owner?

MR. ISLES:

I'm not sure but I don't believe it is. We do have the property owner in there. It's Perez as indicated as the property owner. We can check that for you, but I'm not sure. I wasn't aware that it was.

LEG. CARACCILO:

Okay. Now, pardon me for my sometimes suspicious •• is there any indication that Hernando Perez or Gigi B. Vera at any time made political donations to any county candidates be it the county Legislators, County Executives, candidates for public office?

MR. ZWIRN:

Not that I'm aware of it.

LEG. CARACCILO:

Okay. All right.

MR. ZWIRN:

They may have. They have a right to, I suspect.

LEG. CARACCILO:

I'm sure they do. I just wanted to make sure that there's full disclosure.

MR. ZWIRN:

They didn't give to my campaigns; I'll tell you that.

LEG. CARACCIOLO:

We have property owners that are offering property to the county. I think there should be disclosure.

CHAIRMAN LOSQUADRO:

Do we have any indication that that may have been the case?

LEG. CARACCIOLO:

Not at this time, but I think perhaps in the future we should request some type of disclosure like that.

LEG. SCHNEIDERMAN:

I think what the Legislator is pointing out is that their property value will go up substantially by this acquisition because they now will be surrounded or in the midst of a county park and on the water.

LEG. CARACCIOLO:

Right. That's correct. Okay. Question was asked.

CHAIRMAN LOSQUADRO:

Legislator Schneiderman, did you have ••

LEG. SCHNEIDERMAN:

You know what, I don't want to really, you know, hold it up. I would have liked that, you know, ability to have co•sponsored it even at that early stage of introducing planning steps. It certainly makes sense from an environmental standpoint. I want to support it if it gets to the point of acquisition. I certainly would like to co•sponsor. You can keep that in mind.

CHAIRMAN LOSQUADRO:

Madam Clerk, could you list Legislator Schneiderman as a co•sponsor on this?

MR. ZWIRN:

The County Exec certainly has no problem •• and would encourage that.
I mean he's glad to have, you know, as many names on these bills as possible.

CHAIRMAN LOSQUADRO:

As I said ••

MR. ZWIRN:

And we'll work together to make that work. Because everybody •• it's a wonderful thing, the land acquisition program. And certainly within our legislative district ••

CHAIRMAN LOSQUADRO:

No one can know every issue at every time. So, if there's something that either side can bring to the table, it's certainly appreciated. No one's looking to be an obstructionist. But we would just appreciate the outreach and •• to be kept in the loop. Certainly no one wants to see something in their district that they have not been, you know, kept apprised of. I would appreciate that.

LEG. SCHNEIDERMAN:

If you could bring that message to the County Executive, certainly in my district anything that he's putting forth, I would like to take a look at and likely will co•sponsor.

LEG. CARACCILO:

Mr. Chairman, one other question.

CHAIRMAN LOSQUADRO:

Legislator Caracciolo.

LEG. CARACCILO:

The green line, Tom, does that include the roadway?

MR. ISLES:

Yeah. It's basically a flat lot. So, it does include •• that's the actual tax map lot. So, the parcel then extends out to the road.

CHAIRMAN LOSQUADRO:

So, in between the current holding and the proposed holding, is there then an easement for the current property owner in the middle there to be able •• he does have a right•of•way there for a driveway?

MR. ISLES:

He has his own strip of land that he owns.

CHAIRMAN LOSQUADRO:

Okay. So it would be in between the two.

MR. ISLES:

Yes.

LEG. CARACCILO:

Okay. So, we're not buying a piece of land that this individual is going then use for his access?

MR. ISLES:

No, we're not. Right.

CHAIRMAN LOSQUADRO:

No, it looks like there's a strip down the middle.

LEG. CARACCILO:

Okay. And just a final point that I mentioned in the Huntington resolution, that is, when we put together a master list, to what extent will these supplementary additions affect your goal of moving forward and rapidly in addressing the priorities under the master list?

MR. ISLES:

Yeah, that's an excellent point. Ideally, it would be best if we said there's no further consideration of any resolution until we get done with the master list and we, you know, re•do

and so forth. The issue then becomes if there's something that's critical, time•sensitive, then maybe that should be considered separate so I think the master list helps in terms of dealing with most of the parcels that we've identified collectively with the assistance of the Legislature and so forth. But I think inevitably there's going to be parcels here and there that come about. I think this one was actually initiated through discussions with •• certainly with the town. And, so I think they see it as a priority at this point. And, you know, sometimes if there's something on the market, if there's some activity on it that •• waiting for the next cycle on the master list might cause it to be developed in the mean time •• so, your point is well taken. It's something we've been very sensitive to. So, I think as much as possible and to stick with planned acquisition programs and minimize. I don't think we can completely eliminate the sporadic parcel coming in here and there in terms of the best interest of protecting the county. But I think we should be very careful on that and not just willy•nilly go around the master list or get so bogged up with other things that we're not doing the master list.

But here again we think this is within reason. We think there is a significant county investment here already. This is the last chance on this particular piece. So, we think it's warranted.

LEG. CARACCILO:

I think the last comment you made, Tom, has merit in terms of when we look at these additions or these supplementary resolutions, if in fact you can give weight to a proposition like you just said where the county has existing holdings, that's fine. But I'm thinking ahead that perhaps in the future, let's say it was just the reverse here, let's say most of those surrounding holdings were town, then I would take the position let the town go ahead and complete, you know, this body of preservation. It's only 3.7 acres.

MR. ISLES:

Right.

CHAIRMAN LOSQUADRO:

Very good. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Just lastly, Tom, knowing this is Southampton, and water front or pond front here, certainly won't be an inexpensive piece of property. And I certainly hope that you're able to succeed in preserving it. But if that can't be done, I would certainly, you know, like to see you take a look

at getting a conservation easement over the waterfront and other potential tools ••

MR. ISLES:

Okay.

LEG. SCHNEIDERMAN:

•• to limit development on this property.

MR. ISLES:

That's an option, sure.

CHAIRMAN LOSQUADRO:

Thank you. So, we have a motion by Legislator Schneiderman with a co•sponsor. Seconded by myself. All those in favor? Opposed? **2225 is approved. (Vote: 4•0•0•1. Leg. Bishop not present)**

2231, appointing member of County Planning Commission Edwin Tuccio. I'll make a motion to table, second by Legislator Caracciolo. All those in favor? Opposed? On the motion.

LEG. CARACCIOLO:

We have been down this road before. And as I've indicated to people in the Executive's Office, this is like a bad penny; it keeps coming back. And it's time, I think, to put it to rest. So, I'm going to make a motion to approve for the purposes of defeating this resolution so that the message is sent loud and clear that this is not an acceptable nominee that we should support.

CHAIRMAN LOSQUADRO:

Well, do you withdraw your second to that motion, then?

LEG. CARACCIOLO:

To table?

CHAIRMAN LOSQUADRO:

Yes.

LEG. CARACCIOLO:

Yes.

CHAIRMAN LOSQUADRO:

Do I have a second on the motion to table, then?

LEG. O'LEARY:

For the purposes of furthering the issue, I'll second the motion to table.

CHAIRMAN LOSQUADRO:

Seconded by Legislator O'Leary.

(DISCUSSION OFF THE RECORD)

CHAIRMAN LOSQUADRO:

There's a motion to table. We do not have a second at this time. Motion to table fails. We have a motion to approve ••

LEG. CARACCILO:

For the purposes of defeating the resolution.

CHAIRMAN LOSQUADRO:

•• by Legislator Caracciolo. Do I have a second on that motion?

LEG. O'LEARY:

I'll second it.

CHAIRMAN LOSQUADRO:

Seconded by Legislator O'Leary. Now, we have a second. Motion to approve. All those in favor? Opposed?

LEG. CARACCILO:

Opposed.

CHAIRMAN LOSQUADRO:

Abstentions?

LEG. SCHNEIDERMAN:

Abstention.

CHAIRMAN LOSQUADRO:

Abstention. Legislator O'Leary?

LEG. O'LEARY:

I was opposed.

CHAIRMAN LOSQUADRO:

You're opposed. So, we have two opposed, two abstentions. Motion fails.

2240, amending the •• no problem. We'll hold up a minute for the stenographer.

Okay. We're back. Machine's working properly? Okay. Very good. **Onto 2004 Capital Budget and Program, amending the 2004 Operating Budget and appropriating funds in connection with the Vector Control Supplemental Agreement for Caged Fish Study, Remote sensing and Open Marsh Water Management.** Explanation, please.

MS. KNAPP:

This resolution would move operating monies into the Capital Budget that would otherwise drop into fund balance. It's for a caged fish study that affects mosquito spraying and open marsh water management. And the caged fish study seems to be 500,000. I don't know how much ••

CHAIRMAN LOSQUADRO:

Care to comment?

MR. MINEI:

You were doing so well, Mea. First of all, this is not new money. It is, as Legislative Counsel said, it is moving money from operating to capital to be able to complete the contractual arrangements on those three projects approved by this Legislature under 499, 500 and 747. In those three resolutions you approved about \$1.1 million; about 600,000 of that has been already spent on contractual work. So, we need to move the remaining \$500,000 so we can

pay for the finalization of those three projects under the capital program.

CHAIRMAN LOSQUADRO:

Very good. I'll make a motion to approve. Second by Legislator O'Leary. All those in favor? Opposed? 2240's approved. **(Vote: 4•0•0•1. Leg. Bishop not present)**

2259, amending 2004 Capital Budget and program and appropriating funds in connection with Article XXXVI of the Suffolk County Charter establishing the Suffolk County Open Space, Farmland Preservation and Hamlet Park Fund. Motion by Legislator Caracciolo, seconded by Legislator Schneiderman. All those in favor? Opposed? 2259 is approved. **(Vote: 4•0•0•1. Leg. Bishop not present)** I would like to be listed as co-sponsor as well. I believe we can just put the whole Committee on.

2264, authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program, Land of South Oak Lane, East Islip.

Motion by myself, second by Legislator O'Leary. On the motion.

MR. ISLES:

Yes. This is located adjacent to what's known as the South Shore Nature Center, which is a parcel that's owned by the County and the Town and is an open space site. This has been requested by the Town for acquisition of the County. And Real Estate Division did conduct •• secure appraisals for the property and reviewed that. This would then be adjacent to and add to the existing open space holdings.

LEG. CARACCILO:

Now, it's interesting when I look at these aerials, you know, we just looked at a property in Huntington. And I know they're done to scale. But, you know, you look at this one, boy, this looks like a big piece of property, but it's 1.2 acres. It's sandwiched between residential development. It looks like there's tennis courts to the south. What is that to the rear of this property in yellow?

CHAIRMAN LOSQUADRO:

Town of Islip.

LEG. CARACCILOLO:

No, what is it? It looks like it's partially developed. What is it?

MS. FISCHER:

The South Shore Nature Center run by the Town of Islip and owned by •• that piece of it is owned by the Town of Islip. But just south of there •• the parcel south of there is owned by Suffolk County, the very large piece all the way down to the water.

LEG. CARACCILOLO:

Just help me here. Because I'm not going to support this acquisition •• not given its location between residential development. Who advanced this? Where did this come from?

MR. ISLES:

Yeah, it was suggested by the Town of Islip. I think the local legislator supported it, Mr. Alden.

LEG. CARACCILOLO:

Let the Town buy it.

MR. ISLES:

The parcel itself is •• does have some wetlands on it. You could see on there. And I think the feeling is that the development of the site would be problematic, would not be good in terms of the adjacent site.

LEG. CARACCILOLO:

If you can't develop it, why •• why buy and preserve it? Because it can't be developed.

MR. ISLES:

Well, we wouldn't agree that you can't develop it.

LEG. CARACCILOLO:

You can or cannot?

MR. ISLES:

Well, you may be able to develop it.

LEG. CARACCILO:

May. May. This is not a development pressure situation.

LEG. SCHNEIDERMAN:

What is the price?

MR. ISLES:

The price is about 161 •• \$164,000.

CHAIRMAN LOSQUADRO:

164,400.

LEG. CARACCILO:

If you're bailing out a property owner, they probably can't develop it, I'm not going to support this resolution.

MR. ISLES:

In terms of whether it can be developed or not, I'm not going to say that it can be, that it has a permit; however, over the course of time, over the course of various applications, it may be. The fact that the property has wetlands on it is often times an impediment to development. It is not always a complete prohibition on development. And that does become a little bit tricky. But that's something we've looked at very closely on this site. And we did get a letter from the Town of Islip regarding what they consider to be the development possibilities on this site. And a feeling by the Commissioner of Planning that it's probable that it could be developed.

CHAIRMAN LOSQUADRO:

I know obviously Real Estate •• you said Real Estate did a review of the appraisals. Could you just comment to them?

MS. ZIELENSKI:

Yes. The appraisals came in substantially higher than this price. It's been substantially discounted to allow for the difficulty potential development and the wetlands that exist on the property.

CHAIRMAN LOSQUADRO:

Legislator Caracciolo.

LEG. CARACCILOLO:

The hand•out does not include ••

MS. FISCHER:

It's in the hand•out with the •• under the Sujecki package.

LEG. CARACCILOLO:

Oh, you snuck it in. What does it rank?

MS. FISCHER:

25 points.

LEG. CARACCILOLO:

Oh, my God, give me a break.

LEG. SCHNEIDERMAN:

What is the property •• the county•owned property that adjoins it to the west? How is that used? The large cleared area. It looks like a large paved area as well.

MS. FISCHER:

Actually that part is owned by the Town, which runs the Nature Center. But the trails go south into our property. It's an extensive tidal and fresh water wetland area. And they have nature trails throughout our property that actually start from this Nature Center. So, it's kind of a combination town and county situation.

MR. ISLES:

The Nature Center itself consists of like a small museum, an interpretive center. They have classes there. They have •• kids come down during school events and so forth. And they get instructed at the center itself and then take off on different hikes and tours and so forth.

CHAIRMAN LOSQUADRO:

We all know when we have these discussions when we've talked about the different components

of the bond act we're going to put up, the west end of the county faces much different development pressures than the east end of the county. I maintain my motion to •• the motion and the second to approve. Legislator Caracciolo.

LEG. CARACCIOLO:

I appreciate your comment; however, I did not hear anything conclusive that this was even under development pressure. I think this is a real stretch. And I have to be consistent with my previous positions of buying these small parcels. And, I know we may have different views.

CHAIRMAN LOSQUADRO:

We'll see how it goes.

LEG. CARACCIOLO:

I understand on this, but I think this is a waste of taxpayers' money.

CHAIRMAN LOSQUADRO:

We have a motion and a second. All those in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

CHAIRMAN LOSQUADRO:

List Legislator Caracciolo as opposed. **2264 is approved. (Vote: 3•1•0•1. Leg. Caracciolo opposed. Leg. Lindsay Bishop not present.)**

2275, authorizing acquisition of a Conservation Easement for Open Space purposes under the New Suffolk County Drinking Water Protection Program • Open Space Segment, for the McQuade property.

LEG. CARACCIOLO:

Motion to approve.

MS. FISCHER:

The sheet is in with the other two •• Sujecki, Falco and then the third one is McQuade.

LEG. CARACCILOLO:

How many points, please?

MS. FISCHER:

We don't rank •• oh.

MR. ZWIRN:

This was one of the issues I raised before. You're listed as the sponsor, Legislator Caracciolo and now you're asking the Planning and Real Estate Department •• I'm just saying. You could be in the position of withdrawing your, you know, this bill and you're the sponsor.

LEG. CARACCILOLO:

I know. I want it for the record.

MR. ZWIRN:

Oh, okay. I thought ••

MS. FISCHER:

It received fifty•five points.

CHAIRMAN LOSQUADRO:

Very good score. One for each acre. Motion by Legislator Caracciolo, second by Legislator Schneiderman. All those in favor? Opposed? **2275 is approved. (Vote: 4•0•0•1. Leg. Bishop not present)**

MR. ZWIRN:

Mr. Chair, I just •• if I may, just remind the Committee this bill is already on the floor at the general.

CHAIRMAN LOSQUADRO:

Yes. Thank you.

2276 was already adopted, right. So, that's withdrawn.

2282, authorizing the acquisition of Farmland Development Rights under the New Drinking Water Protection Program • Farmland Development Rights component. This is for the Sujecki farm. 26.62 acres. We have this information in front of us. Motion to approve by Legislator Caracciolo, second by Legislator Schneiderman. All those in favor? Opposed? **2282 is approved. (Vote: 4•0•0•1. Leg. Bishop not present)**

2285, ratifying and adopting the use of Environmental Facilities Corporation Financing, EFC, for acquisition of the Duke property, Town of East Hampton.

LEG. SCHNEIDERMAN:

We already bought it.

CHAIRMAN LOSQUADRO:

Yeah.

LEG. SCHNEIDERMAN:

Not quite sure ••

MR. ISLES:

Yeah, we bought this a year ago •• over a year ago.

LEG. SCHNEIDERMAN:

Right.

MR. ISLES:

Mr. Schneiderman was the supervisor. And low and behold EFC, Environment Facilities Corporation, has come back now and said we need a new resolution recognizing the need to have •• that we're financing it through the EFC. It did not specifically say that. The Legislature had previously given broad authorization to use EFC. The EFC wants specific authorization. So, we are coming back for that. Actually this is quite important to us at this point because it threatens other funding.

LEG. CARACCILOLO:

Motion to approve.

CHAIRMAN LOSQUADRO:

Motion to approve by Legislator Schneiderman, second by Legislator Caracciolo. All those in favor?

LEG. SCHNEIDERMAN:

Does mean that I ••

CHAIRMAN LOSQUADRO:

On the motion.

LEG. SCHNEIDERMAN:

•• voted for the County to acquire it and voted for the Town to acquire it at different times?

MR. ISLES:

I guess so. Yeah, you're on both sides. There we go.

LEG. SCHNEIDERMAN:

Very interesting.

MS. FISCHER:

One hundred percent support.

LEG. SCHNEIDERMAN:

That could be a first. It's like going back in time, though.

CHAIRMAN LOSQUADRO:

Calling the vote. All those in favor? Opposed? **2285 is approved.**

Twice for some people. (Vote: 4•0•0•1. Leg. Bishop not present)

2286, to appoint member of County Planning Commission John J. Nickles, Jr. This would be for the Town of Southold. Do we have any information on this individual?

LEG. SCHNEIDERMAN:

Is he here? Mr. Nickles? Going one, twice ••

CHAIRMAN LOSQUADRO:

No, I don't believe so.

LEG. SCHNEIDERMAN:

Motion to table.

CHAIRMAN LOSQUADRO:

Could we please reach out to him? I'll do so or have him contact my office, or we will do so. Get us the contact information.

MR. ZWIRN:

We did. He may have been here •• I don't know Mr. Nickles personally. He may have been here earlier, but •• no, he might not have showed up.

CHAIRMAN LOSQUADRO:

Certainly appreciate to have him before the next committee. I know we already have a resume. So, I'm sure there's just a couple of questions that we would like to ask. So, motion to table by Legislator Caracciolo, second by Legislator O'Leary. All those in favor? Opposed?

2286 is approved. (Vote: 4•0•0•1. Leg. Bishop not present)

No further business being before this committee ••

LEG. SCHNEIDERMAN:

Motion to adjourn.

(THE MEETING CONCLUDED AT 3:24 PM)